

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

THE QUINULT INDIAN NATION,

Plaintiff,

v.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH,
PENNSYLVANIA, SPECIALTY
SURPLUS INSURANCE COMPANY,
AFFILIATED FM INSURANCE
COMPANY, INSURANCE COMPANY OF
THE WEST, TRAVELERS INDEMNITY
COMPANY, WESTCHESTER SURPLUS
LINES INSURANCE COMPANY, GREAT
AMERICAN ASSURANCE COMPANY,
GREENWICH INSURANCE COMPANY,
ESSEX INSURANCE COMPANY,

Defendants,

Case No.C05-5485RJB

ORDER TO SHOW CAUSE

This matter comes before the Court upon *sua sponte* review of the record. The following order to show cause results.

On June 27, 2006, a Stipulation and Order of Dismissal with Prejudice was filed, purporting to dismiss the entire matter with prejudice and without costs. Dkt. 61. The stipulation was signed by Plaintiff's counsel and C. Scott Penner, for Insurance Company of the West. *Id.* Mr. Penner also represents Essex Insurance Company, though Essex Insurance Company was not mentioned in the stipulation. Dkt. 11. A Certificate of Service accompanied

1 the motion. Dkt. 62. None of the remaining Defendants signed the pleading. Dkt. 61.

2 Plaintiff's counsel later informed the Court that the stipulation applied to Insurance Company of
3 the West alone and that he did not, at that time, intend for the entire matter to be dismissed.

4 On August 1, 2006, the following were filed: Stipulation between Plaintiff the Quinault
5 Indian Nation and Defendant Affiliated FM Insurance Company, and Order of Dismissal with
6 Prejudice (Dkt. 65), Stipulation between Plaintiff Quinault Indian Nation and Defendants Great
7 American Assurance Company and Greenwich Insurance Company, and Order of Dismissal with
8 Prejudice (Dkt. 66), Stipulation between Plaintiff the Quinault Indian Nation and Defendant
9 National Union Fire Insurance Company of Pittsburgh, Pennsylvania, and Order of Dismissal
10 with Prejudice (Dkt. 67), Stipulation between the Quinault Indian Nation and Defendant
11 Specialty Surplus Insurance Company and Order of Dismissal with Prejudice (Dkt. 68),
12 Stipulation Between Plaintiff the Quinault Indian Nation and Defendant Westchester Surplus
13 Lines Insurance Company, and Order of Dismissal with Prejudice (Dkt. 69). Each pleading
14 dismisses the "above-entitled matter" against the named Defendant. *Id.* The record does not
15 include evidence that these motions were served on each party that has appeared, contrary to
16 Local Fed. R. Civ. P. 7(b)(1).

17 None of the above stipulations mention the pending counterclaims. Parties are reminded
18 that trial in this matter is set for January 16, 2007. Dkt. 60.

19 In light of the parties' attempts at stipulated dismissals, the parties should be ordered,
20 within two weeks from the date of this order, to show cause why, if any they have, Plaintiff's
21 claims against all Defendants, except Essex Insurance Company, should not be dismissed with
22 prejudice and without costs.

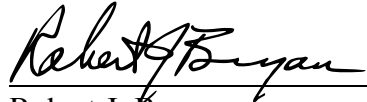
23 Therefore, it is now:

24 **ORDERED** that within two weeks from the date of this order, parties shall **SHOW**
25 **CAUSE** in writing, if any they have, why Plaintiff's claims against all Defendants, except Essex
26 Insurance Company, should not be dismissed with prejudice and without costs, and the

1 parties shall further advise the Court of the status of the Plaintiff's claims against Essex
2 Insurance Company and of the various counterclaims.

3 The Clerk of the Court is instructed to send uncertified copies of this Order to all
4 counsel of record and to any party appearing *pro se* at said party's last known address.

5 DATED this 28th day of August, 2006.

6 
7 Robert J. Bryan
8 United States District Judge
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26